

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DELMUS WILKERSON,

Defendant.

**8:20-CR-197**

**ORDER ON MOTION FOR RETURN OF  
PROPERTY**

This matter is before the Court on defendant Delmus Wilkerson’s *pro se* Motion for Return of Property. [Filing 78](#). In his Motion, Wilkerson asks the Court to order the Government to return his personal property that law enforcement seized from him while investigating Wilkerson’s underlying offense. [Filing 78 at 2](#).

[Federal Rule of Criminal Procedure 41\(g\)](#) permits “[a] person aggrieved by an unlawful search and seizure of property or by the deprivation of property” to move the district court to order his or her property’s return. *See Fed. R. Crim. P. 41(g)*. To meet his or her burden on such a motion, the defendant “must show that he is entitled to lawfully possess the seized property at issue and that the Government has or had the property[.]” [United States v. Howard](#), 973 F.3d 892, 894 (8th Cir. 2020) (internal citation omitted).

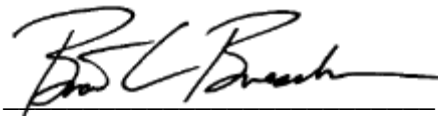
In this case, the Government concedes that it has Wilkerson’s property and that he is entitled to get it back. [Filing 80](#). After conferring with the Government, Wilkerson provided a name and address for an individual who can hold his property for him while he finishes his term of incarceration. The Government states that it has contacted the Omaha Police Department’s Property Unit and received authorization to release Wilkerson’s property to that individual. [Filing 80 at 1](#). Accordingly,

IT IS ORDERED:

1. Delmus Wilkerson's Motion for Return of Property, [Filing 78](#), is granted; and
2. The Government and the entity currently in possession of Wilkerson's property are directed to release Wilkerson's property to the following individual at this address:  
  
Takaimia Powell, 8324 California Street, Apt. 5C, Omaha, NE, 68114.

Dated this 12th day of April, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'B. C. Buescher', written over a horizontal line.

Brian C. Buescher  
United States District Judge